

S/N New Filing

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Clifton A. Alferness	Examiner:	New Filing
Serial No.:	New Filing	Group Art Unit:	New Filing
Filed:	September 26, 2003	Docket No.:	11998.1US10
Title:	CARDIAC REINFORCEMENT DEVICE		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 347838489 US
Date of Deposit: September 26, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Term. Disclaimer, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Teresa Anderson

Name: Teresa Anderson

TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION

Mail Stop Term. Disclaimer

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Acorn Cardiovascular, Inc., a corporation organized and existing under the laws of the State of Minnesota and having its primary place of business at 601 Campus Drive, St Paul, Minnesota, in the county of Ramsey, and the state of Minnesota represents that it is the owner of the entire right, title and interest in U.S. Patent No. 6,126,590, issued October 3, 2000 and entitled CARDIAC REINFORCEMENT DEVICE, by virtue of our assignment recorded at Reel 8315, Frame(s) 0463. Attached herewith is a Certificate under 37 C.F.R. § 3.73(b) establishing Acorn Cardiovascular, Inc.'s right as assignee to take action.

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Petitioner, Acorn Cardiovascular, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,126,590 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,126,590, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,126,590, in the event that United States Patent No. 6,126,590 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

Sep 25, 2003


J. Edward Shapland, Senior Vice President

THE STATEMENT BELOW IS FOR OFFICE USE ONLY

In accordance with the decision granting the petition filed on _____, _____, this terminal disclaimer is accepted. The period of patent lapse specified above has been accepted as equivalent to _____ months.

Petitions Examiner